



STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

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ADDRESS REPLY TO
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B2
ROSEVILLE, MN 55113
TELEPHONE (612) 296-7342

February 13, 1985

Michael J. Wahoske, Esq.
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, Minnesota 55402

US EPA RECORDS CENTER REGION 5



514306

Re: U.S. et al. v. Reilly Tar & Chemical Corporation

Dear Mike:

In your letter of February 6, 1985, you memorialized our conversation regarding the following:

(1) Privileged lists.

We agreed to modify our privileged lists in an effort to meet each other's requests and, by copy of your February 6, 1985, letter, asked the Special Master to refrain from ruling on the motions relating to the privileged lists until further notice from the parties.

(2) Epidemiological study data.

The State agreed to mail its response to Reilly's motion to compel production of epidemiological study data no later than February 13, 1985.

(3) Reilly's motions regarding discovery related to matters other than the production of documents.

Reilly disagrees with the State's recommendation that the Special Master refrain from ruling on non-document discovery motions until after March 22, 1985.

This letter responds to your February 6, 1985, letter, by addressing each of these three topics.

First, I have enclosed with this letter, in accordance with our agreement, a copy of the revised privileged list of the State. The revised list states the basis for the privilege asserted e.g., work product or attorney client. We believe that these revisions fully respond to Reilly's request. (For your information, I have also enclosed an errata which describes corrections to the privileged list. As is explained on the errata, Reilly has been previously notified of the more significant of these corrections.)

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FEB 21 1985

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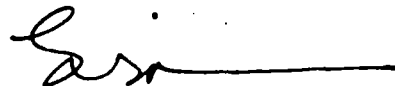
AN EQUAL OPPORTUNITY EMPLOYER

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Second, and also in accordance with our agreement, the State's response to Reilly's motion to compel production of the epidemiological study data is being mailed to you today, under separate cover letter of Terry O'Brien, Special Assistant Attorney General at the Minnesota Department of Health. I understand that that cover letter is addressed to Special Master Winton with copies to all parties. By copy of this letter, I am informing the Special Master that we all await further instructions from him as to whether he is interested in scheduling oral arguments on this discovery issue.

Turning to the third matter, our difference of opinion as to when the Special Master should further consider Reilly's additional motions, we are not persuaded by your response, but would entertain some compromise suggestion to resolve the dispute. You suggested that you believe March 22, 1985, is too long to wait for a response from the Special Master but did not suggest a different time frame for briefing and response. I invite you to recommend a time frame which would be satisfactory to you so that we can attempt to establish a briefing schedule on these non-document issues. As always, I look forward to a pleasant discussion with you on ways to amicably resolve this issue without the need to request further assistance of the Special Master.

Very truly yours,



LISA R. TIEGEL
Special Assistant
Attorney General

LRT:lt
cc: All Counsel of Record (w/out enc.)
The Honorable Crane Winton (w/enc.)